

Name(s) and Title(s) of Person(s) Responsible for Review: \_\_\_\_\_

<b>CFR Sections Reviewed:</b>	<b>Citation and language of conflicting section:</b>	<b>Conflict description</b>	<b>Legislation required? If yes, give U.S.C. citation of existing law</b>	<b>Potential pitfalls in implementing redraft</b>	<b>Suggested course of action</b>

## Instructions for Completing Attachment 1

### Overview

“All WO group managers must review existing regulations and legislation to identify regulatory and legislative barriers to implementing E-Government in the BLM. WO-630 (Regulatory Affairs) will serve as the office consolidating responses and will put together a list of your changes. You must complete the review by March 31, 2002. WO-630 will prepare a consolidated list by April 15, 2002. WO-850 and WO-630 will prepare additional instructions on the process.” (FY2002 AWP General Directives, page15).

One of the basic assumptions of moving our business to the digital world is that we will establish a single internet site where the public can do business with BLM. This could cause significant conflicts in complying with any regulation that requires any business transaction to be performed at a specific place or BLM location (such as filing a payment or application). We must identify these regulatory barriers. We will aggregate your responses into a single package to use as the basis for initiating regulatory changes. You will not be responsible for outreach and public affairs related actions.

If there are regulations that pertain to only a specific location, feel free to collaborate with specialists in that area. In fact, feel free to collaborate with any field office representatives in any aspect of this assignment that you feel are appropriate to contact!

If you are uncertain as to whether a conflict exists, include the item and identify it as a potential conflict. The Regulatory Affairs Group will work with you to reach resolution. Below are two examples of potential conflicts in the mining law program and brief discussions of the conflict issues:

- 43 CFR § 3833.1-5(e), states: “The owner of an oil shale placer claim shall pay the . . . to the proper BLM State Office.”

This is an example where online payments at a central site could be construed as not being in compliance with being paid to the proper BLM State Office since the central location is not necessarily in that State where the claim is located.

- 43 CFR § 3833.1-4(f) states: “The claimant/owner may authorize the BLM to charge payment of service charges . . . by transmitting a facsimile authorization bearing the signature of the claimant/owner . . . .”

In the near future, secure email and/or electronic signatures will be implemented as part of the E-Government effort. We might want to modify the facsimile statement to include this new form of digital signature authorization.

### *Specific Guidance*

Column 1. Please provide the scope of your review (such as all of 43 CFR 3100 or 43 CFR 3110 to 3180). This is important to (1) ensure that all of the CFR have been reviewed and (2) document negative findings.

Column 2. Please provide the specific CFR citation (and language). Please see the above examples for format. If you have several citations, it is more important to have the citation than the language. List each citation on a separate line.

It is okay to use ellipses (. . .) to leave out unimportant language in the interest of reducing the impact of this work.

If there are no conflicts, please indicate “No Conflicts,” and this will serve as your certification that there are none. In this case, you do not have to complete the remainder of the form.

Column 3. Brevity is okay here, but please make sure that a person from outside your resource discipline can understand the conflict or necessary change.

Column 4. This is important! We need to know if any legislative changes will be required. If the regulatory language stems from specific wording of the legislation, please provide (1) the citation of the legislation (using U.S.C.) and (2) the language (which can be reduced as above).

Column 5. Any insights as to the difficulty of implementing the change are required, especially if legislative modifications have been proposed in the past. Any historical record and/or reasons for not implementing the modifications would be useful. We view these kinds of changes as politically “neutral,” i.e., they are not changing what we do, only how we accomplish what we do.

Column 6. Please identify any special procedures or contacts that, from your perspective, we need to undertake.

Please return the form electronically to Cynthia Ellis (WO-630). Cynthia will prepare a consolidated package for further action.